

FLORA EDWARDS

ATTORNEY AT LAW

A Professional Corporation

Admitted in NY, NJ & Fla

115 BROADWAY - SUITE 1505 ♦ New York, New York 10006 ♦ Tel: 212-785-3344 ♦ Fax: 212-577-2865 ♦ E-Mail: FMELAW@aol.com

November 25, 2015

By ECF and Federal Express

Magistrate Judge Roanne L. Mann
United States District Court
Eastern District of New York
225 Cadman Plaza East - Room 1220
Brooklyn, New York 11201

Re: *Canyon Building & Design, LLC v NRB (USA), Inc. et. al.*
Docket No. 15 CIV 01694 (JBW)(RLM)
Status Report

Your Honor:

I am writing to advise the Court that the parties have been unable to reach agreement regarding the deadlines necessary for filing a joint status report.

Plaintiff has produced the documents in accordance with the Court's order of November 17, 2015. Depositions have been held of Canyon parties and Canyon's expert witness. The deposition of Andrew McLaughlin (Schoolhouse Project) has been scheduled by NRB for December 4, 2015. Depositions of NRB parties and NRB's expert witness are scheduled for December 8th, 10th, 14th and 17th.

Going forward, The parties have agreed on the following elements of the discovery schedule:

1. December 2, 2015 - Simultaneous exchange of supplemental submissions regarding substantial need and PFA's role in connection with the litigation process
2. January 22, 2015 - Completion of discovery

However, the parties cannot agree on a date for Plaintiff's review and production of additional documents consistent with the decision and order of the Court, Defendants demand production by December 2, 2015. Given the Holiday Weekend and the deadline for submission of supplemental briefing, Plaintiff cannot reasonably consent to the December 2nd deadline which Defendants seek to impose. There are 79 emails for which privilege is being contested, including 15 emails to and from counsel. Of these 12 have been produced leaving a balance of 67 emails and attachments which require review consistent with the courts opinion. Furthermore, as is noted *supra*, because the depositions of the NRB parties and their expert are scheduled for December 8

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-17, 2015, the week of November 30th has been set aside for the preparation for these four critical depositions lest Plaintiff's case be severely prejudiced. Accordingly, Plaintiff cannot direct its attention to the review of the outstanding documents prior to the conclusion of these depositions. Therefore, Canyon proposes December 20th as the deadline for production of any additional documents consistent with the court's order.

Lastly, given the fact that the settlement conference took place prior to completion of discovery, Plaintiff suggested a second settlement conference following the close of discovery, which suggestion Defendants have rejected.

Respectfully,
/s/ Flora Edwards
Flora Edwards

cc: Timothy Woolford
(By e-mail only to twoolford@woolfordlaw.com)

David Gerovac
(By email to david@canyonbd.com)